

MINUTES OF BOARD OF COUNTY COMMISSIONERS  
MILLARD COUNTY THE 23rd DAY OF AUGUST 2016  
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Dean Draper . . . . . Chairperson  
Alan M. Roper . . . . . Commissioner  
James I. Withers . . . . . Commissioner

Pat Finlinson . . . . . County Attorney  
Marki Rowley . . . . . County Clerk  
Lesli Shields . . . . . Deputy County Clerk

ALSO PRESENT: Scott Barney . . . . . MEDA Coordinator  
Josh Case . . . . . Energy Capital Group (ECG)  
Adrienne Bell . . . . . Holland & Hart  
Amity Burnham . . . . . EDF Renewable  
Sheri Dearden . . . . . County Treasurer  
Bonnie Gehre . . . . . County Auditor  
Sheryl Dekker . . . . . County Planner  
Connie Hansen . . . . . County Recorder  
Pat Manis . . . . . County Assessor  
Susan Wilcox . . . . . Deputy County Assessor  
Richard Beckstrand . . . . . County IT  
Molly Stevens . . . . . Planning & Zoning  
Wayne Jackson . . . . . Military Liaison  
Deric Despain . . . . . USU Extension  
Mark Watso . . . . . Chronicle Progress  
Jonathan Springmeyer . . . . . Bonneville Research  
Jason Burningham . . . . . Lewis Young Robertson & Burningham  
Adam Richins . . . . . NGL Energy Partners/Sawtooth NGL Caverns  
Ron Barness & Ryan Economy . . . . . Baywa  
John Andrews . . . . . SITLA  
Kathryn Steffey & Adam Long . . . . . Smith Hartvigsen  
Greg Kesler, Ed Phillips, Emily Weber, Carlton Guillette & Demar Iverson . . . . .  
Citizens  
Jon Finlinson . . . . . IPP  
Terry Cummings . . . . . East Millard Pool

\*Not all agenda items were followed in order.

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, posted at the principal office of the Millard County Commission, posted on the Utah Public Notice Website, and provided to the Millard County

Chronicle Progress, a newspaper of general circulation within Millard County, Utah, as required by law, the following proceedings were had:

#### PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Draper to the public and Commission members.

#### OPENING STATEMENTS

Commissioner Draper asked if anyone had an opening statement to give. Commissioner Draper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

#### APPROVAL OF AUGUST 2, 2016, COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held August 2, 2016, were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Roper made a motion to approve the minutes of August 2, 2016, as corrected.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried.

#### FOLLOW UP ACTION ITEMS FROM AUGUST 2, 2016

There were none.

#### DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR DOBY'S GUIDE SERVICE, OWNER - DOBY BATT

A business license application was presented for Doby's Guide Service, Owner - Doby Batt, a hunting guide business. After review of the application and finding all signatures in order, Commissioner Withers made a motion to approve a business license for Doby's Guide Service, Owner - Doby Batt.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried.

#### DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR ORGANICS PLUS, LLC, OWNER - LARRY SMITH

A business license application was presented for Organics Plus, LLC, Owner - Larry Smith, an agricultural, compost turning and fertilizer spreading business. After review of the application and finding all signatures in order, Commissioner Roper made a motion to approve a business license for Organics Plus, LLC, Owner - Larry Smith.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion

carried.

**DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR SALT & SUCRE, LLC, OWNER - TABITHA & CHERI PHILLIPS**

A business license application was presented for Salt & Sucre, LLC, Owner - Tabitha & Cheri Phillips, a food service, catering & bakery business. After review of the application and finding all signatures in order, Commissioner Withers made a motion to approve a business license for Salt & Sucre, LLC, Owner - Tabitha & Cheri Phillips.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried.

**DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR A & D, OWNER - OSCAR ARMENTA & MARTIN E. DOMINGUEZ**

A business license application was presented for A & D, Owner - Oscar Armenta & Martin E. Dominguez, a handyman business. After review of the application and finding all signatures in order, Commissioner Roper made a motion to approve a business license for A & D, Owner - Oscar Armenta & Martin E. Dominguez.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried.

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-08-23, A RESOLUTION OF THE MILLARD COUNTY COMMISSION ADOPTING LANGUAGE FOR A PROPOSITION PROVIDING FOR FUNDING OF TRANSPORTATION IMPROVEMENTS, SUCH AS ROADS, SIDEWALKS, TRAILS, MAINTENANCE AND SAFETY FEATURES, TO BE PLACED ON THE 2016 GENERAL ELECTION BALLOT**

Attorney Finlinson said that a notification has been published inviting the public to submit arguments against the proposed sales tax increase.

Commissioner Draper clarified that the proposed sales tax increase is on all sales and use purchases other than food or fuel.

Commissioner Roper made a motion to approve Resolution 16-08-23, a resolution of the Millard County Commission adopting language for a proposition providing for funding of transportation improvements, such as roads, sidewalks, trails, maintenance and safety features, to be placed on the 2016 General Election ballot.

Commissioner Withers SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Roper voted YES. Commissioner Withers voted YES. Commissioner Draper voted YES. The voting was unanimous and the motion carried.

Commissioner Draper stated that putting this on the ballot will allow the citizens of the County to vote on it.

Commissioner Roper said that all of the town mayors have submitted resolutions stating their approval to put this on the ballot this year.

Attorney Finlinson said that it is a requirement for someone from the legislative body to submit an argument in favor of the proposed sales tax increase being placed on the ballot.

Commissioner Roper said that Millard County is one of three counties in the State that will have the proposed sales tax increase on the ballot this year. Several counties had it on the 2015 ballot.

#### DISCUSSION AND POSSIBLE APPROVAL REGARDING OUT OF STATE TRAVEL FOR GIS TRAINING IN WASHINGTON STATE, SEPTEMBER 28 THROUGH SEPTEMBER 30, 2016 - RICHARD BECKSTRAND & ADAM BRITT

Commissioner Withers made a motion to approve out of state travel for GIS training in Washington State, September 28 through September 30, 2016 for Richard Beckstrand and Adam Britt, and will be funded out of the IT Department budget.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried.

#### DISCUSSION AND POSSIBLE APPROVAL REGARDING THE APPOINTMENT OF KATIE LEMON AS THE MISS MILLARD PAGEANT BOARD DIRECTOR

Commissioner Roper made a motion to approve appointing Katie Lemon as the Miss Millard Pageant Board Director.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried.

#### DISCUSSION AND POSSIBLE APPROVAL OF A 2017 PREDATOR DAMAGE CONTROL CONTRACT WITH THE DEPARTMENT OF AGRICULTURE AND FOOD

Commissioner Withers made a motion to approve a 2017 Predator Damage Control contract with the Department of Agriculture and Food.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried.

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#### DISCUSSION AND POSSIBLE APPROVAL REGARDING ADDING A NEW FULL TIME POSITION FOR USU EXTENSION IN FILLMORE

This agenda item was stricken from the agenda.

#### DISCUSSION AND POSSIBLE APPROVAL REGARDING JOINING THE RURAL UTAH ALLIANCE (RUA)

The commissioners briefly discussed RUA and agreed that attending a RUA meeting before joining would be beneficial.

#### DISCUSSION REGARDING A PICTURE AT THE MAIN STREET COURTHOUSE - CARLTON GUILLETTE

Mr. Guillette briefly discussed a painting that has hung in the foyer of the Main Street Courthouse for several years, but is no longer there. He questioned if he could contact the Red Canyon Visitor Center, near Bryce Canyon, to see if they would be interested in the picture for display in their facility.

Commissioner Draper said that it would have to be investigated as to whether the painting is County property or if it is on loan, before a decision can be made.

The owner of the painting was discussed briefly.

Attorney Finlinson said that if it is County property, it could be authorized as a gift or sold through surplus.

#### OTHER BUSINESS

Attorney Finlinson said that there are some landowners in the Pahvant area with a badger problem; there has been damage to equipment, livestock and property. He said that the landowners are asking if they could be allowed to spotlight the badgers.

Attorney Finlinson said that allowing this fits within the guidelines of an exception to the code because it is to protect livestock and property. He will make the Sheriff's Office aware of this situation.

#### DISCUSSION AND POSSIBLE APPROVAL REGARDING A JOINT USE FACILITY MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN MILLARD COUNTY AND MILLARD COUNTY SCHOOL DISTRICT

Terry Cummings, East Millard Pool, briefly explained the revisions to the MOU. She said that she was unaware that she was presenting this MOU today and would need Bart Whatcott, East Millard Recreation, to talk to the commissioners further.

Commissioner Draper said that the budget may need to be looked at and adjusted.

Ms. Cummings briefly discussed the needs of the East Millard Pool.

Commissioner Roper said that it may be a good idea to visit with Nathan Porter, West Millard Pool Supervisor and the School Board.

This agenda item will come back at a future meeting.

#### DISCUSSION REGARDING THE EAST MILLARD POOL MANAGER POSITION - TERRY CUMMINGS

Ms. Cummings expressed her appreciation to the County for giving her the opportunity to work at the East Millard Pool for the last 25 years. She said that she will be retiring in January; once she is retired there will not be a Certified Pool Operator (CPO) or a Lifeguard Instructor at the pool.

She briefly discussed the details of her job that the County will need to look at for her replacement.  
Ms. Cummings briefly discussed the Fillmore City Splash Pad that is attached to the pool.

#### CONVENE AS MILLARD COUNTY RE-DEVELOPMENT AGENCY (RDA)

Commissioner Roper made a motion to convene as an RDA.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. The RDA meeting began at 11:02 a.m..

#### PUBLIC HEARING FOR THE PURPOSE OF RECEIVING COMMENTS AND INPUT RELATED TO THE DRAFT COMMUNITY DEVELOPMENT AREA (CDA) PROJECT AREA PLAN

Commissioner Withers made a motion to enter into a public hearing for the purpose of receiving comments and input related to the Draft CDA Project Area Plan.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing began at 11:03 a.m..

Present were: Wayne Jackson, Josh Case, Amity Burnham, Adrienne Bell, Scott Barney, Treasurer Dearden, Assessor Manis, Ed Phillips, Jason Burningham, Sheryl Dekker, Susan Wilcox, Auditor Gehre, Adam Richins, Recorder Hansen, John Andrews, Greg Kesler, Molly Stevens, Deric Despain, Mark Watson, Jonathan Springmeyer, Ron Barness, Ryan Economy, Kathryn Steffey, Adam Long, Emily Weber & Jon Finlinson

Mr. Burningham gave a presentation regarding the Energy & Industry CDA Project Area Plan. See attached Exhibit A.

Mr. Burningham said that if the resolution and ordinance are approved today, the next step is to go to the School District and other taxing entities and get interlocal agreements with those entities that want to participate in the CDA. A summary of the interlocal agreements will then be published in the newspaper.

Adam Richins, NGL Energy Partners/Sawtooth NGL Caverns, asked several questions regarding the RDA formation and mechanism.

Commissioner Draper addressed Mr. Richins questions regarding the RDA.

Mr. Richins said that Sawtooth NGL Caverns are not in the CDA project area and asked what it would take to add them to the project area.

Mr. Burningham briefly explained the process of adding property into the project area; an amendment to the plan would have to take place and there is an amendment notice period of 30 days. He addressed concerns that Mr. Richins had regarding the tax increment funds.

John Andrews, SITLA, indicated that SITLA is the primary land owner within one of the three areas identified in the plan. He expressed SITLA's support of Millard County's efforts regarding economic development.

Mr. Andrews briefly discussed past experiences with CDA's in a different area and expressed SITLA's concerns. He said that SITLA will be proactive in engaging with the County and providing input to make sure the purpose of the CDA is met.

Mr. Andrews stated that SITLA would like for an advisory committee to be created for stakeholder input. He also expressed concerns with proportionality of the anticipated tax increment funds.

Kathryn Steffey and Adam Long, Smith Hartvigsen, representing Magnum Gas, stated that Magnum is also in favor of the creation of an advisory committee. Ms. Steffey recommended that three advisory committees be created; one for each of the three different map areas.

Ms. Steffey indicated that Magnum would like to add privately owned land into the project area. She stated that proportionality of the tax increment funds is also a concern that Magnum has.

Ms. Steffey said that Magnum hopes to create additional companies and asked for assurance of transfer capability to those within the project area.

Mr. Burningham addressed the concerns from Ms. Steffey and stated that most could be handled in the interlocal agreement.

Mr. Burningham stated that the ability to amend the project area plan will exist once the resolution and ordinance are approved.

Ms. Steffey asked for assurance from the County regarding intent to look into creating an advisory committee, adding privately owned property and transfer capability.

Mr. Burningham stated that the County is not required to make that assurance.

Greg Kesler pleaded with the County to do whatever it can do to create this CDA, as it will benefit the economic development in the County. He briefly discussed his concerns with an unnamed industry that spent over \$300 million in the County and was also interested in a CDA within the last few years.

Jon Finlinson, IPP, stated that IPP supports economic development. He briefly discussed some concerns that members have had with CDA's in northern Utah. He stated that he feels that it is important to have an oversight committee.

Scott Barney, MEDA Coordinator, expressed his appreciation to everyone for their hard work and patience. He thanked everyone for their concerns and comments. He stated that he would like to see the CDA move forward. He said that he agrees that an advisory committee would be beneficial.

Commissioner Roper expressed appreciation for the input provided today.

Mr. Burningham and the Commission briefly discussed the five different courses of action that can be taken today.

There were no other comments made.

Commissioner Withers made a motion to close the public hearing.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 12:29 p.m..

The RDA meeting reconvened.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-08-23A, A RESOLUTION OF THE MILLARD COUNTY RDA, ADOPTING THE DRAFT COMMUNITY DEVELOPMENT PROJECT AREA PLAN AS THE OFFICIAL PROJECT AREA PLAN: MILLARD COUNTY ENERGY AND INDUSTRY CDA 2016

Commissioner Roper made a motion to approve Resolution 16-08-23A, a resolution of the Millard County RDA, adopting an Official Project Area Plan for the Energy & Industry CDA, which states that the RDA will explore the formation of an advisory committee.

Commissioner Withers SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Withers voted YES. Commissioner Roper voted YES. Commissioner Draper voted YES. The voting was unanimous and the motion carried.

Commissioner Withers made a motion to close the RDA meeting.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried. The RDA meeting ended at 12:39 p.m..

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE 16-08-23, AN ORDINANCE OF THE MILLARD COUNTY COMMISSION, ADOPTING THE DRAFT COMMUNITY DEVELOPMENT PROJECT AREA PLAN AS THE OFFICIAL PROJECT AREA PLAN: MILLARD COUNTY ENERGY AND INDUSTRY CDA 2016

Commissioner Roper made a motion to adopt Ordinance 16-08-23, an ordinance of the Millard County Commission adopting the Energy & Industry Community Development Project Area Plan, as approved by the RDA of Millard County, as the Official Community Development Project Area Plan for the project are, and directing that notice of the adoption be given by statute.

Commissioner Withers SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Roper voted YES. Commissioner Withers voted YES. Commissioner Draper voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL REGARDING PERSONAL PROPERTY EXEMPTION ACCOUNTS - ASSESSOR MANIS

Assessor Manis presented the personal property exemption list, which is a list of businesses that have applied for an exemption.

Later, Commissioner Withers made a motion to approve the personal property exemption accounts.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried.

REVIEW AND POSSIBLE ADOPTION OF ORDINANCE 16-08-23A, "SUBDIVISION ORDINANCE" DATED MAY 4, 2016, INCLUDING CERTIFICATES OF APPROVAL AND OTHER DOCUMENTS

The commissioners would like to visit with the Planning Commission before moving forward with this ordinance.

Commissioner Roper made a motion to table this agenda item.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried.

REVIEW AND POSSIBLE APPROVAL ON APPLICATION #Z-2016-016 FOR A NON PLAT SUBDIVISION FOR PROPERTY LOCATED AT APPROXIMATELY 3630 S 1000 W, DELTA GRID, FOR THE PURPOSE OF DIVIDING PARCEL #DO-4572. IT IS PROPOSED THAT THE 79 ACRE PARCEL BE DIVIDED CREATING TWO (2) PARCELS - ONE PARCEL HAVING 1 ACRE AND THE OTHER PARCEL HAVING 78 ACRES. TONY STANWORTH - OWNER OF MILKSTAN DAIRY, LLC. J.D. STANWORTH - PETITIONER

Commissioner Draper said that this application received a favorable recommendation from the Planning Commission.

Commissioner Withers made a motion to approve application #Z-2016-016 for a non plat subdivision for property located at approximately 3630 S 1000 W, Delta, Grid, for the purpose of dividing parcel #DO-4572 into two parcels - one parcel having 1 acre and the other having 78 acres. Tony Stanworth - Owner of Milkstan Dairy, LLC. J.D. Stanworth - Petitioner.

Commissioner Roper SECONDED the motion. The voting was unanimous and the motion carried.

REVIEW AND POSSIBLE APPROVAL ON APPLICATION #Z-2016-022 FOR A NON PLAT SUBDIVISION FOR PROPERTY LOCATED AT APPROXIMATELY 3800 W 3300 S, FILLMORE GRID, FOR THE PURPOSE OF DIVIDING PARCEL #7577. IT IS PROPOSED THAT THE 40.75 ACRE PARCEL BE DIVIDED CREATING TWO (2) PARCELS - ONE PARCEL HAVING 4.04 ACRES AND THE OTHER PARCEL HAVING 36.71 ACRES. HEATH & EMILY WEBER - OWNERS/PETITIONERS

Commissioner Draper said that this application received a favorable recommendation from the Planning Commission.

Commissioner Roper made a motion to approve application #Z-2016-022 for a non plat subdivision for property located at approximately 3800 W 3300 S, Fillmore Grid, for the purpose of dividing parcel #7577 into two parcels - one parcel having 4.04 acres and the other having 36.71 acres. Heath & Emily Weber - Owners/Petitioners.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried.

## PUBLIC INPUT

Wayne Jackson, Military Liaison, presented an application for submitting nominees for the Six County Volunteer of the Year Award. He said that the deadline for nominations is September 5, 2016, at 6:00 p.m..

Mr. Jackson said that Fillmore City is currently working on a deed for the land transfer to the National Guard for the land near the Fillmore Airport. He briefly explained the conditions of the deed.

Commissioner Roper expressed his appreciation to Fillmore City.

## OTHER BUSINESS CONTINUED

Auditor Gehre said that a few departments are over budget and she has suspended or stopped payment on those invoices. She said there are also a few departments who are close to using their full budget that will need to be looked at as well.

The Commission, Treasurer Dearden and Auditor Gehre discussed the course of action for resolving this issue. It was decided to bring this item back to the next Commission meeting as a resolution to transfer funds between departments within Fund 10.

Mr. Barney expressed his appreciation to the Sheriff's Office and the County EMT's for their compassionate service they showed to his grandma and his family.

Commissioner Roper said that there is a Demolition Derby dinner tonight at 7:00 p.m., in Hinckley.

Commissioner Roper said that there is also a Conservation District recognition dinner tonight at 6:30 p.m., in Fillmore.

## DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL AND SECRETARY

There was none.

## POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

## POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-4&5

There was none.

## WHERE UPON THE MEETING ADJOURNED

Commissioner Draper adjourned the meeting at 1:27 p.m..

Attest: \_\_\_\_\_

Approved: \_\_\_\_\_